

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------|---|-----------------------------------|
| JUAN PEREZ, |) | |
| |) | Case No.: |
| Plaintiff, |) | |
| |) | COMPLAINT AND DEMAND |
| v. |) | FOR JURY TRIAL |
| |) | |
| NATIONAL RECOVERY |) | |
| AGENCY, |) | (Unlawful Debt Collections |
| |) | Practices) |
| Defendant. |) | |
| |) | |

COMPLAINT

JUAN PEREZ (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NATIONAL RECOVERY AGENCY (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising
2 under the laws of the United States.

3 3. Defendant conducts business in the Commonwealth of Pennsylvania,
4 and as such, personal jurisdiction is established.

5
6 4. Venue is proper pursuant to 28 U.S.C. §1391 (b)(1).

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Philadelphia, Pennsylvania
9 19124.

10
11 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692
12 a(3).

13 7. Defendant is a national debt collection company with its corporate
14 headquarters located at 2491 Paxton Street, Harrisburg, Pennsylvania 17111.

15
16 8. Defendant collects, and attempts to collect, consumer debts incurred,
17 or alleged to have been incurred, for personal, family or household purposes on
18 behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

19
20 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C.
21 §1692 a(6), and sought to collect a debt from Plaintiff.

22 10. Defendant acted through its agents, employees, officers, members,
23 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
24 representatives, and insurers.
25

FACTUAL ALLEGATIONS

11. Defendant has been contacting Plaintiff regarding a personal credit card debt that was primarily incurred for personal, family or household purposes.

12. Beginning in or around March 2016 and continuing through June 2016, Defendant contacted Plaintiff by calling his cellular telephone in its attempts to collect the alleged credit card debt.

13. Defendant has placed telephone calls to Plaintiff from the phone number (717) 540-7636. The undersigned has confirmed that this phone number belongs to Defendant.

14. Plaintiff told Defendant to stop calling him when the calls first began in March 2016.

15. However, Defendant ignored Plaintiff's request and continued to call him.

16. Once Defendant was notified that the calls were unwanted and to stop calling, there was no lawful purpose to making additional calls, nor was there any good faith reason to place calls.

17. Further, any continued calls in April 2016 through June 2016 could only have been placed for the purpose of harassing Plaintiff.

18. Plaintiff repeatedly told Defendant to stop calling him, most recently on two occasions in May 2016.

1 19. Despite these repeated requests the calls continued through June
2 2016.

3 20. Defendant's actions as described herein were taken with the intent to
4 harass, upset and coerce payment from Plaintiff.
5

6
7 **COUNT I**
8 **DEFENDANT VIOLATED §§1692d and d(5) OF THE FDCPA**

9 21. A debt collector violates §1692 (d) of the FDCPA by engaging in
10 conduct the natural consequence is to harass, oppress, or abuse any person in
11 connection with the collection of a debt.
12

13 22. A debt collector violates §1692 (d)(5) of the FDCPA by causing a
14 telephone to ring or engaging any person in telephone conversation repeatedly or
15 continuously with the intent to annoy, abuse or harass any person at the called
16 number.
17

18 23. Defendant violated §§1692d and d(5) when it placed repeated and
19 harassing telephone calls to Plaintiff, and continuing to call knowing its calls were
20 unwanted.
21

1 WHEREFORE, Plaintiff, JUAN PEREZ, respectfully prays for judgment as
2 follows:

- 3 a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C.
4 §1692 (k)(a)(1);
5
6 b. Statutory damages of \$1,000.00 for the violation of the
7 FDCPA pursuant to 15 U.S.C. §1692 (k)(a)(2)(A);
8
9 c. All reasonable attorneys' fees, witness fees, court costs and
10 other litigation expenses incurred by Plaintiff pursuant to 15 U.S.C.
11 §1693 (k)(a)(3); and
12
13 d. Any other relief deemed appropriate by this Honorable Court.

14
15 **DEMAND FOR JURY TRIAL**

16 PLEASE TAKE NOTICE that Plaintiff, JUAN PEREZ, demands a jury
17 trial in this case.

18 Respectfully submitted,

19
20 Dated: March 29, 2017

20 By: /s/ Amy L. Bennecoff Ginsburg
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